

803 KAR 1:120. Prevailing wage posting requirements.

RELATES TO: KRS: 337.520(1)

STATUTORY AUTHORITY: KRS 337.530

NECESSITY, FUNCTION, AND CONFORMITY: KRS 337.520(1) authorizes the executive director to promulgate administrative regulations to carry out the provisions and purposes of KRS 337.505 to 337.550 and to prevent their circumvention or evasion. This administrative regulation clarifies the prevailing wage requirements of KRS 337.530 and specifies that translated rates be posted if non-English speaking employees are on the construction site. This administrative regulation imposes different requirements than federal law. Federal law does not require posting of wage rates and hours at the primary site entrance, and does not require the posting of translated rates where non-English speaking persons are present. Employers can differ as to what is considered a conspicuous place or places within the meaning of the statute. By requiring that the rates be posted at least at the primary site entrance, this administrative regulation will assist employers in complying with the posting requirement. In addition, non-English speaking construction employees are increasing in numbers; the requirement that translated rates be posted provides a clear benefit to non-English speaking employees.

Section 1. Posting of the Wage Rates for Public Projects shall comply with KRS 337.530(3). The posting shall be in a conspicuous place and at a minimum shall appear in the open at the primary project site entrance. The method of posting shall be of sufficient size for each page of the rates to be visible without overlapping.

Section 2. Posting shall be legible and readily accessible to anyone on the job site. If non-English speaking employees are present on the job site, translated rates shall be furnished by the Labor Cabinet and posted alongside the rates.

Section 3. Any contractor or subcontractor performing work on the project who does not post the rates shall be in violation of KRS 337.530(3). Civil money penalties shall be issued for all violations subsequent to the first violation, in accordance with KRS 337.990. (35 Ky.R. 1960; 2434; eff. 6-5-2009.)